FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

APPEAL FROM ORDER NO. 646 OF 2004.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri V.R.Tripathi for the appellant.
Shri J. Xavier for the respondent.

CORAM: V.C.DAGA,J.
DATED: 18-08-2004.

P.C.:

. Shri Xavier, learned Counsel for the Corporation makes a statement that the Corporation has not issued any notice to the appellant proposing any action against him. No action against him at this stage is contemplated. He further makes a statement that if the Corporation decides to take any action against the appellant, necessary advance notice in that behalf as required by law would be isued.

2. in view of the above statement made by the learned Counsel for the Corporation, learned Counsel for the appellant-original plaintiff submits that the cause of action for suit itself does not survive. He seeks permission to withdraw the suit

being L.C. Suit No.2347 of 2002 along with Notice of Motion No. 2026 of 2002, with liberty to challenge the action of the Corporation as and when initiated. Suit is thus dismissed as withdrawn with no order as to costs.

3. Learned Counsel for the appellant undertakes to produce copy of this order before trial Court within 2 weeks from today to get formal order showing disposal of the suit as withdrawn. Appeal stands disposed of with no order as to costs.